

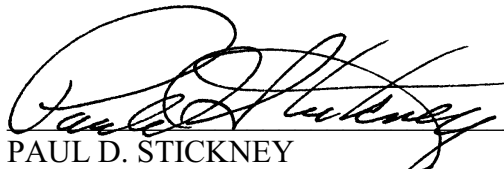
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RICHARD LEE TRAMMELL, JR.,	§	
Plaintiff,	§	
v.	§	No. 3:15-CV-3893-M (BF)
CAROLYN W. COLVIN,	§	
Acting Commissioner of the	§	
Social Security Administration,	§	
Defendant.	§	

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

This case has been referred to the United States Magistrate Judge for pretrial management. Before the Court is the Commissioner's Motion to Dismiss, filed on February 12, 2016. *See* Mot. to Dismiss [ECF No. 9]. In this motion, the Commissioner asks the Court to dismiss this action, because it was filed more than 60 days after Richard Lee Trammell, Jr. ("Plaintiff") received the final decision of the Commissioner. *See id.* [ECF No. 9 at 2]. Plaintiff filed his response on February 12, 2016, conceding that he failed to file this action within the 60 days as required, and stating that he agrees to voluntarily dismiss this action and will proceed with a new application before the Social Security Administration. *See* Resp. [ECF No. 10 at 2-3]. Upon consideration of the foregoing, the undersigned respectfully recommends that the District Court GRANT the Commissioner's Motion to Dismiss [ECF No. 9].

SO RECOMMENDED, this 16th day of February, 2016.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within fourteen days after service of the findings, conclusions, and recommendation. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after service shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).